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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

ALLIANCE FOR THE WILD ROCKIES,)	
)	Case No. 9:18-cv-0067-DWM
Plaintiff,)	
)	
v.)	DEFENDANTS' UNOPPOSED
)	MOTION TO STAY COURT
CHRIS SAVAGE, Kootenai National)	DEADLINES IN LIGHT OF
Forest Supervisor, et al.)	LAPSE OF APPROPRIATIONS
)	
Defendants.)	
)	

The United States of America hereby moves for a stay of court deadlines in the above-captioned case.

1. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including Defendants, the U.S. Forest Service and the U.S. Fish and Wildlife Service (“FWS”). The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the Forest Service and FWS are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of Court deadlines until Congress has restored appropriations to the Department of Justice and the Defendant agencies. Specifically, Defendants request a stay in the following Court deadlines: (1) January 21, 2019 deadline for Defendants to file a Pretrial Statement; (2) February 1, 2019 deadline for the

parties to meet and confer; and (3) February 15, 2019 deadline for the parties to file their case management plan. *See* ECF No. 23.

4. Additionally, based on the Court's December 20, 2018 order granting in part and denying in part Defendants' motion to dismiss, the deadline for Defendants to file an answer or other response to Plaintiff's Complaint was January 3, 2019. *See* Federal Rule of Civil Procedure 12(a)(4)(A). Due to the lapse in appropriations on December 21, Defendants inadvertently missed this deadline and have been unable to confer about the contents of a responsive pleading. Defendants apologize for this oversight and respectfully request leave to file, out of time, a responsive pleading at a later date that will be determined once Congress restores appropriations.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds. The Government proposes that the parties file a new schedule for the aforementioned court deadlines within one week of restoration of funds to the Department of Justice and the Defendant agencies.

6. Opposing counsel has authorized counsel for the Government to state that Plaintiff has no objection to this motion.

Therefore, although we greatly regret any disruption caused to the Court and

the other litigants, the Government hereby moves for a stay of the Court deadlines in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: January 8, 2019

Respectfully submitted,

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